

REMARKS**Summary of the Office Action**

Claims 1 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liebenow (U.S. Patent No. 6,012,146) (hereinafter "Liebenow") in view of McLean et al. (U.S. Patent No. 5,282,247) (hereinafter "McLean").

Claims 4, 5, 7-16 and 19-22 stand rejected under U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean and further in view of Grimes et al. (U.S. Patent No. 6,964,045) (hereinafter "Grimes").

Claims 2, 3, 6, 17 and 23 stand rejected under U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean and Grimes and in further view of Morisawa et al. (U.S. Patent No. 5,537,544) (hereinafter "Morisawa").

Claims 18 and 24 stand rejected under U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean and Grimes and in further view of Kato (U.S. Patent No. 6,453,233) (hereinafter "Kato").

Summary of the Response to the Office Action

Applicants have amended independent claims 1, 4, 8, 9, 11, 13, 19 and 25 to differently describe embodiments of the disclosure of the instant application's specification and/or to improve the form of the claims. Claims 1-25 are currently pending for consideration.

Rejections under 35 U.S.C. § 103(a)

Claims 1 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean. Claims 4, 5, 7-16 and 19-22 stand rejected under U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean and further in view of Grimes. Claims 2, 3, 6, 17 and 23 stand rejected under U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean and Grimes and in further view of Morisawa. Claims 18 and 24 stand rejected under U.S.C. § 103(a) as being unpatentable over Liebenow in view of McLean and Grimes and in further view of Kato. These rejections are respectfully traversed for at least the following reasons.

In the Office Action, the Examiner contends that Column 8, lines 33-48 of McLean discloses that an arbitrary password is supplied to the memory card, and the password is automatically canceled when the password is supplied. The password thus supplied is used when it is inserted in another computer, and the memory card (allegedly corresponding to the recording medium of the present invention) is automatically unlocked when the memory card is inserted in the other computer.

However, Applicants respectfully submit that McLean does not disclose that the change of passwords is carried out at timing simultaneous with timing of data installation. In the embodiments of the present invention, the passwords are written over from the second password to the first password between “before” and “on and after “ the installation of the data. Applicants respectfully submit that at least this feature is not disclosed in any of the cited references.

Further, according to McLean, “a user could choose the password”, and “the host computer system might also request the user to supply the machine readable serial numbers of

other computer systems on which the user desires to use the memory card.” As stated beginning at Column 8, line 33 of McLean “[a] variety of passwords can be implemented. Passwords can be supplied by the host computer system upon request of the user. Alternatively, a user could choose the password(s). For example, when requested to set a memory card to secure mode, the host computer system could provide its machine readable serial number as a password. In such a case, the memory card could be unlocked only when inserted in that particular host computer system. It could subsequently be unlocked automatically without user intervention. The host computer system might also request the user to supply the machine readable serial numbers of other computer systems on which the user desires to use the memory card. This would allow any one of a set of computer systems to automatically unlock the memory card.” (Emphasis added).

On the contrary, there is no case where a user could choose a password in claimed embodiments of the present invention since “the password is any one of a first password that cannot be updated and that is unique for each individual data processing apparatus, and a second password that is common for a plurality of data processing apparatuses including said data processing apparatus” as clearly recited in independent claim 1 of the present application. In McLean, the host computer system might also request the user to supply the machine readable serial numbers of other computer systems on which the user desires to use the memory card. Therefore, McLean teaches away from the embodiments of the present invention as long as it allows a user’s choice of password.

In addition, the Examiner contends that Column 2, line 49 to Column 3, line 25 of Liebenow discloses features corresponding to “a second password that is common for a plurality of data processing apparatuses including said data processing apparatus,” such that “said second

password is recorded on said recording medium data processing apparatus before installation of the data into the data processing apparatus.” However, Applicants respectfully submit that the alleged “second password” in Liebenow is merely transferred from RAM 26 and IDE24 to RAM 18, but is not common to a plurality of information processing devices. The password disclosed in Liebenow allows access to the information processing apparatus, but is not used for protection from data copy and distribution. This difference is clearly recited in the amended claims.

Namely, in the claimed embodiments of the present invention, the second password is recorded on the recording medium (e.g., the second hard disk) to prevent the data thereon from being illegally copied and distributed from the recording medium before installing the data on the data processing apparatus (e.g., the proper hard disk recording and reproduction unit 13a), and is changed to the first password after the installation. Also, in the claimed embodiments, the first password prevents the data from being illegally copied and distributed from the recording medium and the data processing apparatus on or after installing the data on the data processing apparatus.

Applicants further note that support for the amendments to the claims can be found, for example, in paragraphs 0107 and 0108 of published U.S. Patent Application No. 20020083348 corresponding to the present application. For example, paragraph 0107 states that “[a]s explained above, with the update process for updating map data of this first embodiment of the invention, map data can be recorded on or reproduced from the second hard disk by using the second password, which can only be used for the proper update hard disk recording and reproduction unit 13a, so after confirming in advance that the second hard disk to be used in updating is a proper hard disk, it is possible to update the data on the first hard disk, and thus it is

possible to prevent the update map data on the second hard disk from being illegally copied and distributed before using it for the update.” (Emphasis added). Paragraph 0108 states that “[m]oreover, recording or reproducing the map data before or after updating is restricted by using the first password, which is unique for each individual navigation apparatus S, so it is possible to prevent illegal distribution of the map data on the first and the second hard disks to other navigation apparatuses before and after updating.” (Emphasis added).

Accordingly, for at least the foregoing reasons, Applicants respectfully submit that Liebenow and McLean fail to establish a prima-facie case of obviousness against independent claims 1 and 25. Applicants respectfully submit that similar features as discussed above are also included in amended independent claims 4, 8, 9, 11, 13 and 19. Accordingly, similar arguments as applied above with regard to independent claims 1 and 25 also apply to claims 4, 8, 9, 11, 13 and 19.

Furthermore, Applicants respectfully submit that the teachings of Grimes, Morisawa and Kato fail to make up for at least those deficiencies in the teachings of Liebenow and McLean as discussed above. In addition, Applicants respectfully submit that the dependent claims are allowable at least because of their dependence from independent claim 1, 4, 9, 11, 13 or 19, and reasons consistent with those set forth above.

Accordingly, Applicants respectfully request that all rejections under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims are in condition for allowance, and respectfully request reconsideration and timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

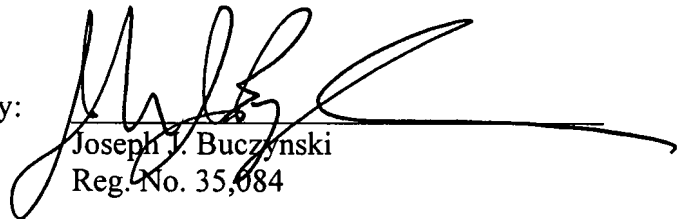
EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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